

1 Barrett S. Litt, SBN 45527
2 Email: blitt@kmbllaw.com
3 KAYE, MCLANE, BEDNARSKI & LITT
4 975 East Green Street
5 Pasadena, California 91106
6 Telephone: (626) 844-7660
7 Facsimile: (626) 844-7670

8 Carol A. Sobel, SBN 84483
9 Email: carolsobel@aol.com
10 LAW OFFICE OF CAROL A. SOBEL
11 725 Arizona Avenue, Suite 300
12 Santa Monica, California 90401
13 Telephone: (310) 393-3055

14 ADDITIONAL COUNSEL LISTED ON
15 NEXT PAGE
16 Attorneys for Plaintiffs

17 UNITED STATES DISTRICT COURT
18
19 CENTRAL DISTRICT OF CALIFORNIA

20 CHARMAINE CHUA, ET AL.

21 PLAINTIFFS,

22 VS.

23 CITY OF LOS ANGELES, ET AL.,

24 DEFENDANTS.
25
26
27
28

CASE No: 2:16-cv-00237-JAK-GJS(x)
[HON. JOHN A. KRONSTADT]

JOINT TRIAL REPORT

DATE: NONE

TIME: NA

1 ADDITIONAL PLAINTIFFS' COUNSEL

2 Paul Hoffman, SBN 71244

3 Email. hoffpaul@aol.com

4 Catherine Sweetser, SBN271142

5 Email. csweetser@sshhlaw.com

6 SCHONBRUN, SEPLOW, HARRIS & HOFFMAN, LLP

11543 West Olympic Blvd.

Los Angeles, CA 90064

7 Tel. (310) 396-0731

8 Fax. (310) 399-7040

9 Colleen M. Flynn, SBN 234281

10 Email. cflynnlaw@yahoo.com

11 LAW OFFICE OF COLLEEN FLYNN

3435 Wilshire Boulevard, Suite 2910

12 Los Angeles, California 90010

13 Tel. 213 252-9444

14 Fax. 213 252-0091

15 Matthew Strugar, SBN 232951

16 Email. matthewstrugar@gmail.com

17 LAW OFFICE OF MATTHEW STRUGAR

3435 Wilshire Boulevard, Suite 2910

18 Los Angeles, California 90010

19 Tel: 323 696-2299

20

21

22

23

24

25

26

27

28

29

1 Pursuant to the Court's September 14, 2018 Order, the parties submit a Joint
2 Trial Report.

3 1. The parties do not believe that a further mediation session would be
4 productive.

5 2. The parties request a trial date of April 29, 2019. The parties request
6 that the pretrial conference be held no later than April 7, 2019.

7 3. The parties estimate a trial length of nine (9) days inclusive of jury
8 selection, opening statement and closing arguments.

9 4. Neither party requests that the panel be prescreened.

10 5. The parties agree that there is one outstanding issue to be addressed
11 prior to commencement of trial, beyond those normally addressed at a pretrial
12 conference – whether general damages will be tried classwide for the class as a
13 whole.

14 In the class certification order, the Court found that liability and statutory
15 damages are certified classwide issues and denied general damages “without
16 prejudice to renewing this request later in the proceedings based on a more
17 complete factual record.” See Doc. No. 50, p.14.

18 The parties propose that this issue be resolved either at the pretrial
19 conference or sooner at a special haring. The parties further propose that, four
20 weeks before the pretrial conference or the date set for hearing on this issue,
21 Plaintiffs file a special memorandum addressing “a coherent method for how
22 damages might be calculated” and “how subclass members could be separately
23 categorized with respect to claimed general damages,” *id.*, along with the legal
24 support for such an approach; three weeks before the hearing Defendants file an
25 opposition (if they decide to oppose); and, two weeks before the hearing, Plaintiffs
26 file a reply.
27
28

1 The Memorandum of Contentions of Fact and Law, motions in limine and
 2 other filings associated with the pretrial conference would be separately filed
 3 according to Central District or this Court's local rules.

4 6. The parties agree that the Court should bifurcate the issue of
 5 individualized (as opposed to classwide) damages, which would be addressed after
 6 resolution of the class issues. If Defendants were to prevail, the issue would be
 7 moot; if Plaintiffs were to prevail, there would be an opportunity for settlement or
 8 discussion of expedited means of resolving such damages. *See, e.g., Newberg on*
 9 *Class Actions* § 11:9 (5th ed.) (noting that very few cases go beyond a liability
 10 determination before resolving and, of those, some may be susceptible to class-
 11 wide determination of damages); *Carnegie v. Household Int'l, Inc.*, 376 F.3d 656,
 12 661 (7th Cir.2004) (Posner, J.) ("it may be that if and when the defendants are
 13 determined to have violated the law separate proceedings of some character will be
 14 required;" after a liability determination favorable to the class, "a global settlement
 15 . . . will be a natural and appropriate sequel"; and if not, "Rule 23 allows . . .
 16 imaginative solutions," including "bifurcation, appointment of a special master,
 17 decertifying class for subsequent proceedings, and others").

18 DATED: September 17, 2018 Respectfully Submitted,
 19

20 KAYE, MCLANE, BEDNARSKI & LITT, LLP
 21 LAW OFFICES OF CAROL A. SOBEL
 22 SCHONBRUN, SEPLOW, HARRIS &
 23 HOFFMAN, LLP
 24 LAW OFFICE OF COLLEEN FLYNN
 LAW OFFICE OF MATTHEW STRUGAR

25 By: /s/ Barrett S. Litt
 26 Barrett S. Litt
 27 Attorneys for Plaintiffs
 28

1 DATED: September 17, 2018 Michael N. Feuer, City Attorney
2 Thomas J. Peters, Chief Asst. City Attorney
3 Cory M. Brente, Supv. Asst. City Attorney
4 Geoffrey Plowden, Deputy City Attorney

5 By: ___/s/ Geoffrey Plowden _____
6 Geoffrey Plowden
7 Attorneys for Defendants.

8 (Permission granted to affix defense counsel's signature on his behalf)
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28